

STATE MANDATE FOR FCANS PROGRAM

I. Legal Authority

Section 11166.9 of the Penal Code allows for the establishment of local Child Death Review Teams (CDRTs) and describes the parameters for their functioning. It also establishes the State Child Death Review Council under the auspices of the Department of Justice. The purpose of the State Council is set out as follows: “to coordinate and integrate state and local efforts to address fatal child abuse and neglect, and to create a body of information to prevent child deaths”. The section further states that the State Child Death Review Council, state agencies and local child death review teams “shall share data and other information necessary...to establish accurate information on the nature and extent of child abuse and neglect fatalities in California...”

II. SB 525 changes

Senate Bill 525 (Polanco, Chapter 1012, Statutes of 1999) recast several of the provisions of Section 11166.9 of the Penal Code that established the State Child Death Review Council under the auspices of the Department of Justice. The following eight changes were made in the law:

- ✍ The State Department of Health Services “shall design, test, and implement a statewide child abuse and neglect fatality tracking system incorporating information collected by local child death review teams.” With the approval of the Governor’s Budget, this subdivision became operative on July 1, 2000.
- ✍ Local child death review teams shall participate in this statewide child abuse and neglect monitoring system by meeting minimum standard protocols and submitting information on child abuse and neglect fatalities in a timely manner.
- ✍ Data to be shared in the State Council’s effort to establish accurate information on fatal child abuse now includes information from the Department of Social Services’ Child Welfare Services/Case Management System.
- ✍ Training and technical assistance is to be provided to child death review teams and professionals involved in multi-agency case reviews “to the extent that the Office of Criminal Justice Planning can absorb the costs...within its current funding...or... funds are appropriated...in the Budget Act.” Training monies are available at least through June 30, 2001.
- ✍ Law enforcement and child welfare agencies shall cross-report all cases of child death suspected to be related to child abuse or neglect, whether or not the deceased child has any known surviving siblings.
- ✍ County child welfare agencies shall create a record of all such cases in the Child Welfare Services/Case Management System, with provisions for noting a later determination that child abuse or neglect was not involved.
- ✍ Formalizes Department of Justice’s production of an annual report and local team directory.
- ✍ Updates the membership of the State Council to formalize the participation of new agencies/organizations.